

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

LEAH KNEPPAR, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

THE ELEVANCE HEALTH COMPANIES, INC.  
f/k/a THE ANTHEM COMPANIES, INC.,

Defendant.

Case No. 8:23-cv-00863-MJM

**PLAINTIFF'S NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Plaintiff Leah Kneppar, individually and on behalf of all others similarly situated, by and through her counsel of record, submits this Notice of Supplemental Authority in support of Plaintiff's Motion for Conditional Certification and Court-Authorized Notice Under the FLSA. (ECF No. 31.) Plaintiff respectfully directs this Court to the attached decision from *Landis, et al. v. The Elevance Health Companies, Inc., et al.*, No. 4:23-CV-00005-M-KS (E.D.N.C. Dec. 20, 2023), ECF No. 39. As referenced in Plaintiff's opening memorandum, the *Landis* case is one of seven related matters, including the present case, brought by utilization reviewers against Defendant The Elevance Health Companies, Inc. (f/k/a/ The Anthem Companies, Inc.) and other subsidiaries of Anthem, Inc. (ECF No. 31-1 at 3 n.3.)

On December 20, 2023, the *Landis* court conditionally certified a collective of utilization reviewers who worked for Elevance in North Carolina. In doing so, the court rejected Defendant's attempts to heighten the conditional certification standard, concluding that the Fifth Circuit's decision in *Swales v. KLLM Transp. Servs., LLC*, 985 F.3d 430, 440 (5th Cir. 2021) and the Sixth Circuit's decision in *Clark v. A&L Homecare & Training Ctr., LLC*, 68 F. 4th 1003, 1009-11 (6th Cir. 2023), are not binding on federal district courts in the Fourth Circuit and noting that the

majority of district courts in the Fourth Circuit have followed the two-step approach to conditional certification. *Landis*, No. 4:23-cv-00005-M-KS, ECF No. 39 at 4–6. The court further concluded that conditional certification and distribution of notice to the putative collective was appropriate because the plaintiff’s allegations sufficiently demonstrated that she and other utilization reviewers employed by Elevance were similarly situated with respect to their job requirements, pay provisions, and legal claim for overtime pay. *Id.* at 6–9. The *Landis* court’s decision is in keeping with the five other federal district courts that have already granted conditional certification and authorized notice in “materially identical” matters. *Id.* at 9; *see also* Pl.’s Supp. Mem., ECF No. 31-1 at 14–15.

The present case is likewise “materially identical” to *Landis* and the other related matters. Plaintiff therefore respectfully requests that this Court consider this additional authority in adjudicating her motion.

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By: **LAW OFFICES OF PETER T. NICHOLL**

/s/Scott E. Nevin

Scott E. Nevin

36 South Charles Street, Suite 1700

Baltimore, MD 02120

Telephone: (410) 260-0183

Facsimile: (410) 244-1047

snevin@nicholllaw.com

**NICHOLS KASTER, PLLP**

/s/Caitlin L. Opperman

Rachhana T. Srey, MN Bar No. 340133\*

Caitlin L. Opperman, MN Bar No. 0399978\*

4700 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Telephone: (612) 256-3200

Facsimile: (612) 338-4878

srey@nka.com

copperman@nka.com

**LICHTEN & LISS-RIORDAN, P.C.**

Sarah Schalman-Bergen, PA Bar No. 206211\*\*

Adelaide H. Pagano, MA Bar No. 690518\*\*

729 Boylston Street, Suite 2000

Boston, MA 02116

Telephone: (617) 994-5800

Facsimile: (617) 993-5801

ssb@llrlaw.com

apagano@llrlaw.com

\* *Admitted pro hac vice*

\*\* *Pro hac vice application forthcoming*

*Attorneys for Plaintiff, the Putative FLSA Collective,  
and the Putative Rule 23 Class*